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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,524	06/20/2001	Mark M. Lavoie	1571.2019-001	2618

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EXAMINER

MILLER, WILLIAM L

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 05/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/885,524

Applicant(s)

LAVOIE, MARK M.

Examiner

William L. Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 22-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 and 23-32 is/are allowed.
- 6) ☒ Claim(s) 1-12, 15, 17, 18, 20, and 22 is/are rejected.
- 7) ☒ Claim(s) 13, 14 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 11, 12, 15, 17, 18, 20, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Dinan et al. (US#5212898).
3. Regarding claims 1 and 22, Dinan discloses a sign comprising: a main body being viewed as elements 11 and 12 collectively such that the main body includes a first surface 11 and a second surface 12; an overlay 61 removably attachable to the first surface in a first position and removably attachable (capable of being attached) to the second surface in a second position such as element 62; and at least two fasteners 70 movably attached to the overlay for removably securing the overlay to the first surface, each fastener passing through an oversized hole in the overlay (i.e. the hole in the overlay has a diameter greater than the diameter of the fastener as shown in Fig. 8) and movably secured to the overlay with a washer (middle washer 75 shown in Figs. 7-8), each washer spacing the overlay from the main body when the overlay is attached to the main body (Fig. 8).
4. Regarding claims 2, and 15, the main body is made of corrugated plastic, i.e. including hollow cells (col. 2, lines 57-64).
5. Regarding claim 3, the overlay includes polymeric film via the 1 mil layer of polyethylene and polypropylene (col. 5, lines 2-6).

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6. Regarding claim 11, the sign is slit (scored) at 13 and 14 on a back side of the main body and formed from a substantially flexible material such that it can be folded in half (col. 2, line 64+)
7. Regarding claim 12, the sign is mounted on a mounting device 20.
8. Regarding claims 17 and 18, Dinan discloses a sign comprising: a main body being viewed as elements 11 and 12 collectively such that the main body has a first surface 11 and a second surface 12; an overlay 61 removably attachable to the first surface in a first position and removably attachable (capable of being attached) to the second surface in a second position such as element 62; and at least two fasteners 70 for removably securing the overlay to the first and second surface wherein the fasteners are movably attached to the overlay via the respective oversized holes in the overlay having a diameter greater than the diameter of the fasteners (Fig. 8).
9. Regarding claim 20, the main body is made of corrugated plastic, i.e. including hollow cells (col. 2, lines 57-64).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dinan et al. in view of Sarkisian et al. (US#5675923).

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12. Regarding claim 4, Dinan fails to disclose retroreflective sheeting disposed on the main body and overlay as claimed by the applicant. However, Sarkisian discloses a sign wherein the main body 12 and overlay 14 include a retroreflective sheeting (col. 3, lines 35-44, and col. 4, lines 35-38) thereby enhancing the visibility of the sign. Therefore, as taught by Sarkisian, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dinan such that the main body and overlay included a retroreflective sheeting thereby enhancing the visibility of the sign.

13. Regarding claims 5-10, Dinan as modified by Sarkisian fails to specifically disclose the retroreflective sheeting includes glass beads, cube corner prisms, a barrier film, or adhesives as claimed by the applicant. However, as admitted by the applicant on page 5 of the specification, "any suitable sheeting used in signage can be employed". Therefore, it would have been an obvious matter of design choice to utilize retroreflective sheeting including glass beads, cube corner prisms, a barrier film, and adhesives, since the applicant has not disclosed the specific type of retroreflective sheeting solves any stated problem or is for any particular purpose, and it appears the sign would perform equally well with any suitable retroreflective sheeting.

***Allowable Subject Matter***

14. Claims 13, 14, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

15. Claims 16 and 23-32 allowed.

16. The following is a statement of reasons for the indication of allowable subject matter: Regarding claims 13, 14, and 16, it would not have been obvious to one of ordinary skill in the

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art to modify Dinan such that the fasteners snap-fit in to the main body or included a deformable, expandable shank as claimed in detail by the applicant. Regarding claim 19, 23, and 32, Dinan discloses each fastener is movably secured to the overlay via a washer 75, however a washer does not space the overlay from the second surface of the main body when the overlay is attached to the main body as claimed by the applicant.

### ***Response to Arguments***

17. Regarding the previous Office action, the examiner erred in objecting to claim 21 as Dinan et al. met the limitations thereof. Consequently, this second action non-final rejection has been issued including a new grounds of rejection. Regarding independent claims 1, 16, and 22, there is no motivation to combine Sarkisian in view of the teachings of Cordola (US#5173026) to attain the claimed invention.

### ***Conclusion***

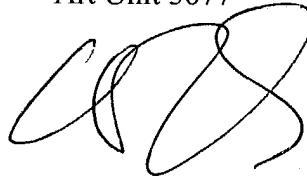
Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Miller whose telephone number is 703 305 3978. The examiner can normally be reached on Tuesday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703 306 4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William L. Miller  
Primary Examiner  
Art Unit 3677

A handwritten signature in black ink, consisting of a stylized 'W' and 'M' intertwined.

WLM  
05-12-2004